

REMARKS

By this Amendment, claims 12-20 are canceled, and claims 10, 22, and 28 have been amended. Claims 10 and 22 are amended to depend from independent claim 1, and claim 28 is amended to correct a minor informality. Consequently, claims 1-11 and 21-36 are pending in this application. In addition, the specification has been amended to correct minor informalities. No new matter is entered by these amendments.

In a restriction requirement dated April 29, 2004, the Examiner required restriction under 35 U.S.C. § 121 between:

Group I: Claims 1-9, allegedly drawn to a double-armed closing device;

Group II: Claims 10-21, allegedly drawn to an endoscope assembly;

Group III: Claim 22, allegedly drawn to a light source; and

Group IV: Claims 23-36, allegedly drawn to a method for fastening tissue.

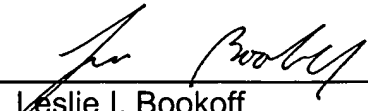
In response, Applicant provisionally elects to prosecute Group I, claims 1-9, with traverse. Since Applicant has amended independent claims 10 and 22 to depend from independent claim 1, Applicant respectfully submits that at least claims 1-11 and 21-22 should be examined in this application.

Please grant any extensions of time required to enter this Amendment and Response to Restriction Requirement and charge any additional required fees not otherwise provided with this filing to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: May 27, 2004

By: 

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